

REMARKS

Claims 1-23 are pending in the application. Claims 1-3, 9-12, 15-16, 18 stand rejected. Claims 4-8 and 13-14 and 19-23 stands objected to as being dependent on a rejected base claim. Claims 1, 16, and 18 have been amended and are independent claims. Reconsideration of all grounds of rejection in the Office Action based upon the above amendments, and allowance of all of the pending claims are respectfully requested in light of the following remarks.

Claim 1, 16 and 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action indicates that the base claims are indefinite/ambiguous since the limitation ‘and on the submount’ appears to be an incomplete phrase and is not clear whether the applicant refers to the LD or PD. In response, applicants have amended the base claim to make the claims more definite by indicating that ‘said PD is mounted on’ the submount. Regarding the Office Action rejection of the base claims due to the Examiner’s determination that the phrase ‘and aligned in a row’ is indefinite. In response applicants have amended the base claims to read ‘said leads’ are aligned in a row.

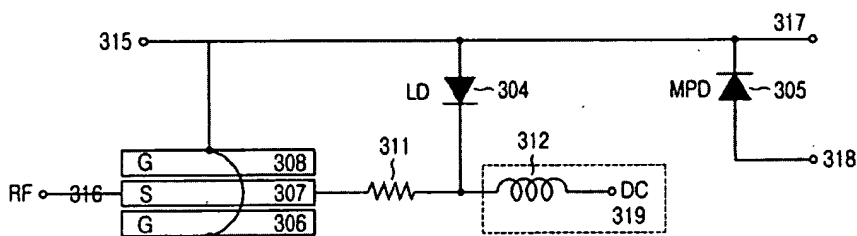
The drawing stand objected under 37 C.F.R. 1.83(a), for allegedly failing to show a bias-tee of the TO-can recited in claims 3, 16, and 20.

According to 35 U.S.C. 113, the statute that governs federal regulation on drawings in a patent application, **all features recited in a claim need not be shown**. The statute provides that an “applicant shall furnish a drawing **where necessary for the understanding of the subject matter** to be presented” (See also 37 C.F.R. 1.81(a) [repeating the same requirement]). According to the United States Court of Appeals for Federal Circuit,

[p]atent documents are written for persons familiar with the relevant field; **the patent[applicant] is not required to include in the specification information readily understood by practitioners**, lest every patent be required to be written as a comprehensive tutorial and treatise for generalist instead of concise statement for persons in the field.

(*Verve, LLC., v. Crane Cams, Inc.*, 311 F.3d 1116, 1119, 65 USPQ.2d 1051 (Fed. Cir. 2002).

The applicant respectfully submits that claims 3, 16, and 20 provide information as to the type of the bias-tee and how such bias-tee is arranged, the information necessary to fully understand the claim. Moreover the originally filed drawings, FIGs. 5-7 illustrate the configuration of the bias-tee. For example, the bias-tee in FIG. 5 is a matching resistor 311 and an inductor 312 connected in the T-form as shown below, in which coplanar waveguides (306-208) coupled to the matching resistor may be further comprised.



Therefore, the applicant does not believe that additional drawing is necessary under 35 U.S.C. 113. Applicant respectfully requests withdrawal of the objection.

Applicant wishes to thank the Examiner for indicating that claims 4-8, 13-14, 17, and 19-23 would be allowed if the claims are rewritten as independent claims incorporating all features of the base and any intervening claims (as well as correction above of the §112, second paragraph issues). At this time, applicant, however, wishes to defer rewriting the above claims as independent claims incorporating all features of the base and intervening claims. Instead, applicants request reconsideration of the rejection of the base claims as indicated below.

Claims 1-3, 9-12, 15-16, and 18 stand rejected under 35 U.S.C §103(a), as allegedly being obvious over Ichikawa *et al.* (U.S. Pub. 2003/0165167) (“Ichikawa”). In response applicants request reconsideration of this ground of rejection.

Applicants respectfully submit that the Examiner has erroneously concluded that the leads found in Ichikawa are aligned in a row as recited in the base claims and respectfully ask for reconsideration.

Claims 1 and 16 as currently presented recite a TO-can type optical module comprising, *inter alia*, a plurality of leads extended through the stem, said leads electrically being connected to the sub-mount and **aligned a row.**” Claim 18, a method claim, as currently presented recites a method for arranging a plurality of leads extended through the stem, said leads electrically being connected to the sub-mount and **aligned a row.**”

Applicants point the Examiner’s attention to page 5, [0060 – 0062] wherein Ichikawa describes FIG. 1 as a perspective view of a semiconductor laser device, FIG. 2 as a front view of FIG. 1 and FIG. 3 as a top view. As can be seen in FIG. 1 there are four leads shown in a diamond configuration (see leads identified as reference character 121, 122, 123, and 124). In FIG. 2 leads 124 is hidden from view. Regardless, the leads 121, 122 and 123 are not aligned in a row as recited in the base claims. Moreover, applicants have thoroughly read Ichikawa paragraph [0082], cited by the Examiner (as well as the surrounding text) and find no suggestion of aligning a plurality of leads in a row as recited in the base claims. As such, Ichikawa lacks a feature found in the present invention which has the advantage of ease of manufacture as the leads are placed and melted in the hole in the stem in one process as well as its superior feature of RF over Ichikawa. Therefore, Ichikawa fails to show a plurality of leads extended through the stem, said leads electrically being connected to the sub-mount and **aligned a row** as recited in

the base claim. Accordingly, claims 1, 16 and 18 are therefore are prima facie non-obvious over Ichikawa, and applicant respectfully requests withdrawal of the rejections.

The other claims, 2-3, 9-12, and 15 found in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

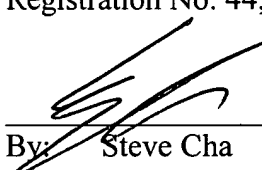
For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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Date: 9-29-06


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